

UNITED STATES DISTRICT COURT
SOUTHERN DISTRICT OF NEW YORK

MEMO ENDORSED

MARTIN FLEISHER, as trustee of the Michael
Moss Irrevocable Life Insurance Trust II, and
JONATHAN BERCK, as trustee of the John L.
Loeb, Jr. Insurance Trust, on behalf of themselves
and all others similarly situated,

Plaintiffs,

vs.

PHOENIX LIFE INSURANCE COMPANY,

Defendant.

ECF Case

Case No. 11

NOTICE OF MOTION

USDS SDNY

DOCUMENT

CIV. 8405 (CM)

DOCS

DATE FILED: 2/5/13

PLEASE TAKE NOTICE that, upon the accompanying Memorandum of Law, and upon all prior pleadings and proceedings held herein, Defendant Phoenix Life Insurance Company will and hereby does move this Court, the Honorable James C. Francis presiding, at 500 Pearl Street, Room 18D, New York, New York 10007, for an order staying this Court's January 3, 2013 Memorandum and Order, pending a ruling on the objection to that order filed by Defendant with the District Court (Docket No. 94), and granting such other and further relief as may be just and equitable.

Dated: Washington, DC
February 1, 2013

Respectfully submitted,

By: /s/ Waldemar J. Pflepsen, Jr.Waldemar J. Pflepsen Jr. (*pro hac vice*)

Stephen J. Jorden (SJ5009)

Jason H. Gould (JG2012)

Brian P. Perryman (*pro hac vice*)

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Application granted. 2/5/13

SO ORDERED.

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and

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